

REMARKS

In the Office Action, pending claims 3, 5, 8, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over published U.S. Patent Application No. 2003/0231612 by Kim et al. (“Kim”) in view of published U.S. Patent Application No. 2003/0185159 by Seo et al. (“Seo”) and in further view of published U.S. Patent Application No. 2003/0100291 by Krishnarajah.

In response, independent claims 3 and 8 are now amended to specify that when a trigger event is detected, a cell update request is generated in response; and, that suppression of the cell update is a response to the cell update request depending on the relevance of the trigger event.

The Examiner states that Kim discloses the same type trigger event and detection of such event. In support the Examiner relies on Figure 3 and paragraph [0059] of Kim. The Examiner interprets such passages as reading on the event detection feature by equating movement of the UE from an existing cell to a neighboring cell. It is simply this movement for which the Examiner relies on as constituting the trigger event. The Examiner also relies on the aforementioned passages for disclosing the second feature mentioned above “suppression of the cell update is a response to such request depending on the relevance of the trigger event” as being equivalent to the feature in Kim where when the UE does not enter a cell update region or a neighboring cell, a cell update is not

performed. Applicants respectfully disagree with the Examiner. These are features that are simply not the same.

The event interpreted by the Examiner as a trigger event only occurs when the EU moves to a neighboring cell. There is, therefore, no trigger event to be detected and evaluated unless this situation arises. Furthermore, not performing a cell update in the absence of a trigger event does not equate to suppressing a cell update following an actual trigger event.

However, the amended claims now emphasize and clarify the nature of the invention and the fact that a trigger event is positively detected and a cell update request is positively issued, the cell update being suppressed responsive to the cell update request depending on the relevance of the trigger event. Accordingly, in Applicants' invention, a trigger event leads to the generation of a cell update request and depending on the relevance of the trigger event after reconfiguration, the response to the cell update request is the suppression of the cell update. Furthermore, the amended claims now clearly specify that the Applicants' invention involves a trigger event that is a **positive** occurrence, i.e. not merely a presence or absence, and that a cell update request follows in every instance. Features of Applicants' claimed invention further include assessing the nature of this positively occurring trigger event, rather than a presence or absence, and responds to the cell update request accordingly.

Kim makes no mention or suggestion of generating a cell update request prior to suppression of a cell update in certain circumstances and the amended claims thus even further emphasize the distinctions in relation to Kim.

The Examiner has acknowledged that Kim fails to disclose: producing a reconfiguration command including an activation time identifying a delay of application of reconfiguration until the activation time has been reached; and, before the reconfiguration has been applied, detecting a trigger event. The Examiner relies on Krishnarajah and Seo to compensate for these deficiencies in Kim.

To reject claims in an application under section 103, the Examiner must establish a prima facie case of obviousness. A prima facie case of obviousness is established by a showing of three basic criteria. First, there must be “some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ 2d 1385 (2007). Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references) must teach all claim limitations. See MPEP 2143.

Respectfully, Applicants do not believe the Examiner has met the required criteria. The combination of references fails to disclose all claim features and, therefore, would not yield the necessary successful results. The references fails to mention or suggest an active trigger event detected before reconfiguration has been applied and the actual suppression

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of a cell update depending on the relevance of such trigger event to the communication system after reconfiguration.

Accordingly the Applicants believe the present Application is in condition for allowance and respectfully requests the Examiner to withdraw the objections, and pass the present Application to allowance.

Respectfully submitted,

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